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To: Microsoft ATR
Date: 1/28/02 12:15pm
Subject: Microsoft Settlement

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case.

The proposed penalty for Microsoft's violations is entirely prospective and the predictability of the penalty to effect a sufficient diminishment of Microsoft's anticompetitive behavior is completely inadequate, including being overly complex and too vague, especially in light of published comments by Microsoft CEO Steve Ballmer after Microsoft's conviction that he does not even know what a monopoly is. Furthermore, Microsoft has failed to live up to previous agreements. In addition, Microsoft did not report its extensive lobbying of Congress or a White House meeting last summer between its chief executive, Steve Ballmer, and Vice President Dick Cheney. This is a violation of the Tunney Act itself.

What would make the settlement fair? Divide the company into Applications and System Software entities with a firewall between them. Had politics not interfered, this approach was the only logical choice.

Failing this reasonable approach, other remedies, although half-measures are required.

- 1) Open up all Windows APIs to all interested parties with thorough documentation and standardization. Exorbitant penalties would be made if either the APIs are not fully documented or if non-open APIs are used by Microsoft.
- 2) Open up all Microsoft Document Standards and publish them immediately because market dominance has created a defacto standard for such files. In addition, the use of a non-Microsoft standards board, modeled on the W3 organization for web site documents, could insure that office as well as other documents generated by Microsoft applications would be fully usable, readable, and alterable by other programs. This would allow some competition in the office suite industry and hopefully prevent the use of "Microsoft only" codes in browser or office apps that prevent others from having a choice in selecting an office suite. Also, features that allow a user to assign the opening of programs with other apps through a central registry would be useful, allowing an individual to easily bypass Microsoft Products and Services.
- 3) Microsoft should be required to produce Office Software for the Macintosh system as long as Apple remains in business. It should not be able to again threaten Apple with canceling further Mac Office development. In addition,

Microsoft must be required to make the Mac Office Suite with the same features and document transparency as the Windows version. They must also not hobble the software in any way to make the Windows version appear faster. As Mac Office is a profitable venture for Microsoft, failing to manufacture it would be indicative of a monopoly threatening a small rival. In addition, software which can interact with Microsoft server products, such as Outlook, should be made available for the Mac, including subsequent operating systems, and have all features available in the Windows client.

4) In order to give more choices to consumers, either Microsoft should create a Linux version of their Office and Browser software or should license their software and/or "look and feel" to anyone wishing to produce software for the Linux system. This would keep Microsoft from keeping offices and homeowners away from alternative operating systems. Microsoft used to offer Word for Unix systems with far fewer users than Linux. It cannot argue that as a company with monopoly powers and rich coffers that it isn't feasible.

As someone who has been using computers and programming them for seventeen years, I have seen little innovation from Microsoft. The advances in the field have been due to smaller players that have been crushed by Microsoft. Currently, Microsoft has monopoly powers and is seems less concerned with innovation, reliability, and security, than with market domination and extension. Our national security and economic competitiveness requires a stronger action than has been proposed by the Justice Department.

Regards,
George J. Papanicolaou, PhD.